THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.588 of 2007

05.1.2007

Between:

Mrs.Haleemunnisa, W/o.Mirza Mahboob Baig

... Petitioner

AND

The Assistant Engineer (Operation), APCPDCL, Barkatpura, Hyderabad

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.588 of 2007

ORDER:

The petitioner is resident of premises bearing MCH No.2-4-618 situated at Amberpet, Hyderabad. She is availing power supply with Service Connection (SC) No.H2000734 (LT Category-I, domestic). The officials of first respondent inspected the premises on 27.11.2006 at 5.00 pm. It was found that the motor box seal was tampered and after opening the terminal cover of the meter the incoming neutral removed from terminal screw and consumer extended neutral from other service existing in the same premises. Therefore, the second respondent came to the conclusion that the petitioner is indulging in theft of energy and power was disconnected provisionally assessing the pilfered energy at Rs.1,43,200/- based on the Assessment Rules contained in Appendix-12 and the provisions of Clause-12 of General Terms & Conditions for Supply (GTCS) of CPDCL. The provisional assessment order dated 28.11.2006 was sent to the petitioner. The petitioner's son made a representation to the second respondent on 25.12.2006 requesting permission to pay 50% of the provisional assessment amount in six instalments. The same is still pending with the second respondent. In the meanwhile petitioner filed the present writ petition seeking restoration of power supply alleging that the marriage of the petitioner's daughter was scheduled on 25.12.2006.

After hearing learned Counsel for the petitioner and learned Standing Counsel for CPDCL, this Court is of considered opinion that the writ petition is wholly misconceived. The petitioner admittedly approached the second respondent seeking permission for payment of the provisional assessment amount in instalments and, therefore, the petitioner may have to seek redressal before the second respondent. When the matter is pending before the second respondent, it would not be proper for this Court to exercise discretion, which would amount to interfering with the decision making process by the second respondent. Therefore, this Court observes that the petitioner has to

seek final assessment, or an order permitting to pay the amount in instalments, before appropriate authority.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

January 05, 2007.
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